IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MR. JUSTICE V.K.MOHANAN

THURSDAY, THE 27TH SEPTEMBER 2007 / 5TH ASWINA 1929

FAO.No. 168 OF 2007()

AGAINST THE ORDER DATED 28/02/2007 IN IA.781/2006
IN OS.108/2004 OF SUB COURT, THIRUVALLA
.....

APPELLANTS/PETITIONERS/DEFENDANTS

1. T.O.ALEYAS, S/O.LATE KURUVILLA UNNITTAN,
RESIDING AT THOTTATHIL, RAMANCHIRA, MUTHOOR P.O.,
PATHANAMTHITTA DISTRICT.

2. ABRAHAM BABY, S/O. LATE BABY,
RESIDING AT MARY SADANAM, THURUTHICAUD P.O.,
MALLAPPALLY TALUK, PATHANAMTHITTA DISTRICT.

3. BOBBY T. KURIAKOSE, S/O. LATE KURIAKOSE,
RESIDING AT URUMBIKUNNEL HOUSE, THURUTHICAUD P.O.,
MALLAPPALLY TALUK, PATHANAMTHITTA DISTRICT.

BY ADV. SRI.A.M.SHAFFIQUE
SRI.E.K.NANDAKUMAR
SRI.A.K.JAYASANKAR NAMBIAR
SRI.ANIL D.NAIR

RESPONDENTS: COUNTER PETITIONERS/PLAINTIFFS

1. ST.MARY'S BUILDERS, REPRESENTED BY
ONE OF ITS WORKING PARTNERS T.O.ABRAHAM,
S/O. LATE KURUVILLA UNNITTAN, RESIDING AT
THOTTATHIL MALIYEKKAL HOUSE, THURUTHIKKADU P.O.,
MALLAPPALLY TALUK, PATHANAMTHITTA DISTRICT.

2. T.O.ABRAHAM, S/O. LATE KURUVILLA
UNNITTAN, WORKING PARTNER, M/S.ST.MARY'S BUILDERS,
RESIDING AT THOTTATHIL MALIYEKKAL HOUSE,
THURUTHIKKADU P.O., MALLAPPALLY TALUK,
PATHANAMTHITTA DISTRICT.

3. THOMAS SKARIAH, S/O. LATE T.S.SKARIAH,
PARTNER, M/S. ST.MARY'S BUILDERS, RESIDING AT
THOTTATHIL URUMBIKUNNEL HOUSE, THURUTHIKKADU P.O.,
MALLAPPALLY TALUK, PATHANAMTHITTA DISTRICT.

THIS FIRST APPEAL FROM ORDERS HAVING COME UP FOR ADMISSION ON 27/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

P.R. RAMAN & V. K. MOHANAN, JJ.

F.A.O. NO. 168 OF 2007

DATED THIS, THE 27TH DAY OF SEPTEMBER, 2007.

J U D G M E N T

Raman, J.

This is an appeal against the order passed by the Sub Court, Thiruvalla, in I.A. 781/2006 in O.S. No. 108/2004, dated 28.2.2007, declining to appoint a receiver as sought for by the appellant. The suit is one for settlement of accounts of a dissolved firm. It is in respect of a partly completed building that the appellant sought for appointment of a receiver. There is nothing to be managed by the receiver having due regard to the subject matter. The court below has already appointed a Commissioner, an expert Engineer and a Chartered Accountant for the purpose of verifying the accounts and to submit a report. In these circumstances, the order passed by the court below declining to appoint a reviver cannot be said to be illegal or wrong. For the above reason we find no merit in the appeal.

Dismissed.

P.R. RAMAN,
(JUDGE)

V. K. MOHANAN,
(JUDGE)

knc/-